IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 16679 of 2007(I)

PETITIONER:

VELUKUTTY, S/O. KUNHAYYAPPAN, ,
AGED 67 YEARS, KARTHIKA, KOLAMPARAMBU, AYYANTHOLE, THRISSUR.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:

---

1. THE ADDL. DISTRICT MAGISTRATE, THRISSUR.

2. THE KERALA STATE ELECTRICITY BOARD, REPRESENTED BY SECRETARY, VYDHYOUTHI BHAVAN, TRIVANDRUM.

3. THE ASST. EXE. ENGINEER, ELECTRICAL SUB DIVISION, K.S.E.B., VIYYUR.

4. KOCHUNNI, KOPPAYI HOUSE, PADOOKKAD, P.O., VIYYUR, THRISSUR DIST.

5. P.A. SUBRAMANIAN, PERINGOTTUKARAN HOUSE, DO.DO.

6. P.K. RAMAN, PLAVINKOOTTATHIL HOUSE, DO.DO.

7. ARAVINDAKSHAN, PLAVINKOOTTATHIL HOUSE, DO.DO.

8. ALIS JOB, W/O. JOB C. GEORGE, CHIRIYANKANDATH HOUSE, A/D MITHIRPARK, AYYANTHOLE P.O., THRISSUR DIST.

9. GOVINDANKUTTY, PLAVINKOOTTATHIL HOUSE, PADOOKKAD P.O., VIYYUR, THRISSUR DIST.

10.SAROJINI, PLAVINKOOTTATHIL HOUSE, DO.DO.

11.RAMAN EZHUTHASSAN, S/O. KOPPAYI KUNJAN, DO.DO.

12. SANKARANKUTTY, CHIKILIYATH HOUSE, DO.DO.

13. RADHAKRISHNAN, CHIKILIYATH HOUSE, DO.DO.

14. S. THOMAS, ELENGIKKAL HOUSE, SANKARAPURAM, POOMKUNNAM, THRISSUR DIST.

15. P. RADHAKRISHNAN, 3/354 F, "SRIVALSAM", WHITEFIELD COLONY, VIYYUR, THRISSUR DIST.

16. MANJU, W/I. VAHIDH, CHENETHUPARAMBIL HOUSE, PANANGATTUKARA, VADAKKANCHERY P.O.

17. C. PREMARAJAN, 354/2, KAILSASM WHITEFIELD COLONY, VIYYUR, THRISSUR DIST.

18. K.A. VISWAM, 19/06, GOKULAM, KULAMUTTOM TEMPLE ROAD, CHELAKKOTTUKARA, THRISSUR DIST.

R1 BY G. P. SRI. MOHAMMED RAFFIQ
R2 AND R3 BY SC SRI. JOSE J MATHEIKAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/05/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 16679 OF 2007

Dated this the 31st day of May, 2007

JUDGMENT

Petitioner is challenging Ext.P6 order issued by the Addl. District Magistrate approving drawal of 33 KV electric line over paddy field belonging to the petitioner. It is seen that original proposal approved by Addl. District Magistrate was opposed by the petitioner, and this Court vide Ext.P4 judgment directed reconsideration which led to Ext.P6 order. The route now approved by the Addl. District Magistrate is shown in Ext.P6 sketch which shows that there is already a 11 KV line cutting across the petitioner's paddy field and as and when new line is drawn, this line will be dismantled and therefore drawal of the present line amounts to virtual maintenance of status quo in as much as only one line will be passing over petitioner's property. It is common knowledge that the Land Utilisation Order does not permit use of paddy land for any other purpose. Paddy cultivation is not affected by drawal of high tension electric line. All what is happening vide Ext.P6 order is dismantling of one line and drawal of another line over the

same paddy field belonging to the petitioner. Petitioner's demand is to draw line from point A to D through B and E by installing an addl. electric tower which in a high tension line involves Rs. 1.5 lakhs and standing counsel for the KSEB submitted that petitioner is not willing deposit addl. cost. Moreover the alternate route suggested by the petitioner necessarily has to pass through the paddy field of others. I do not think petitioner can raise a contention that line should not be drawn over his property but should be maintained over the property of others. As many as 15 persons are made addl. respondents in the W.P. If this Court issues notice to those persons to redetermine the route over which line should pass through, I am sure it is not going to end up to suit the convenience of every land owner. The line shown in Ext.P6 is a straight line. Necessarily high tension electric line has to be maintained in a straight line to prevent transmission loss for maintaining stability of the line and reduce cost of installation. In the circumstances, since the line is passing only through the paddy field of the petitioner's property, I do not find any ground to interfere with Ext.P6 revised order issued by the Addl. District Magistrate after

hearing all the parties, including the petitioner, pursuant to Ext.P4 judgment of this Court.

W.P. is therefore devoid of any merit and is dismissed.

Issue photocopy tomorrow itself.

(C.N.RAMACHANDRAN NAIR)
Judge